

**INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF SIERRA VISTA**

THIS AGREEMENT is entered into 6 October, 2000,
pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended,
between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF
TRANSPORTATION (the "State") and the CITY OF SIERRA VISTA, acting by and
through its MAYOR and CITY COUNCIL (the "City").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-401 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The City is empowered by Arizona Revised Statutes Section 48-572 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the City

3. Incident to the development and implementation of traffic signal synchronization for SR-92 in the City contemplated by the State, the City has requested that the City traffic signal system be included in the development and implementation of signal timing, at an estimated cost of \$19,900.00, all at City expense, hereinafter referred to as the Project.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

NO. 24258
Filed with the Secretary of State
Date Filed: 10/06/00
Betsy Gayles
Secretary of State

Dick D. Gruenewald

II. SCOPE

1. The State will:

a. By change order to an existing on-call traffic engineering consultant contract, accomplish the development and implementation of traffic signal synchronization of the City traffic signal system concurrently with the State's signal timing efforts

b. Provide the City copies of the consultant progress submittals, and insure that City review comments are incorporated into the development and implementation results. Encourage the consultant to coordinate directly with City personnel as required to insure a complete, City-State integrated signal synchronization traffic signal system.

c. Invoice the City for the reasonable direct actual cost of the City portion of the traffic signal synchronization development and implementation, with no profit or fee, in an amount currently estimated at \$19,900.00.

2. The City will:

a. Review the development and implementation progress submittals and provide comments. Coordinate directly with the State's traffic engineering consultant as required to insure a complete, City-State integrated synchronized traffic signal system.

b. Within 30 days after receipt and approval of an invoice, pay the State for the reasonable direct actual cost of the Project, in an amount currently estimated at \$19,900.00.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said improvements and payments; provided, however, that this agreement, except any provisions herein for maintenance, which shall be perpetual, may be cancelled at any time prior to the award of a Project construction contract, upon thirty (30) days written notice to the other party.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518.

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

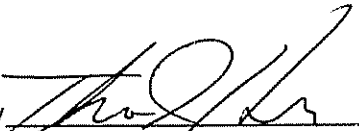
Arizona Department of Transportation
Joint Project Administration
205 South 17 Avenue, Mail Drop 616E
Phoenix, AZ 85007

City of Sierra Vista
City Manager
2400 E. Tacoma Street
Sierra Vista, AZ 85635

7. Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

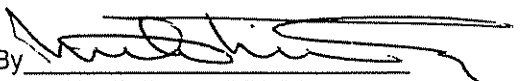
IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

CITY OF SIERRA VISTA

By 
TOM HESSLER
Mayor

STATE OF ARIZONA

Department of Transportation

By 
MICHAEL P. MANTHEY
State Traffic Engineer

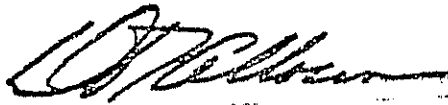
ATTEST

By 
SANDRA L. KENNY
City Clerk

RESOLUTION

BE IT RESOLVED on this 24th day of May 2000, that I, the undersigned MARY E. PETERS, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Intermodal Transportation Division, to enter into an agreement with the City of Sierra Vista for the purpose of defining responsibilities for the development and implementation of a traffic signal synchronization system.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted to the State Traffic Engineer for approval and execution.



DAVID R. ALLOCCO, P.E.
Assistant State Engineer
Engineering Technical Group
for Mary E. Peters, Director

RESOLUTION 4429

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; REAFFIRMING SETTLED POLICY; AUTHORIZING THE CITY TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE ARIZONA DEPARTMENT OF TRANSPORTATION TO SYNCHRONIZE THE CITY AND STATE TRAFFIC SIGNALS ALONG STATE ROUTE 92, WITH THE CITY PAYING THE COSTS ESTIMATED AT APPROXIMATELY \$19,900.00; AND AUTHORIZING AND DIRECTING THE CITY MANAGER, CITY CLERK, CITY ATTORNEY OR THEIR DULY AUTHORIZED OFFICERS AND AGENTS TO TAKE ALL STEPS NECESSARY TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION.

WHEREAS, the City and State share responsibilities of providing streets and public roadways which are safe and meet the transportation needs of the general public; and

WHEREAS, State Route 92 supports a high volume of vehicle traffic and is in need synchronizing all its traffic signals; and

WHEREAS, it is in the mutual interest and benefit for ADOT and the City to improve the traffic flow along State Route 92; and

WHEREAS, both parties desire to enter into an Intergovernmental Agreement that will allow ADOT to use an on call traffic engineering consultant to develop and implement the synchronization of City and State traffic signals along State Route 92, with the City paying for actual costs which are estimated to be approximately \$19,900.00.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, AS FOLLOWS:

SECTION 1

That the settled policy of the City Council to enter into Intergovernmental Agreements when in the best interest for the City, and hereby is, reaffirmed.

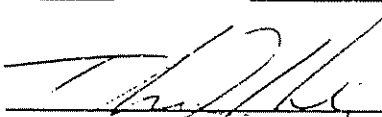
SECTION 2

That the City Council approves entering into an Intergovernmental Agreement with ADOT to synchronize traffic signals along State Route 92 with the City paying the costs estimated at approximately \$19,900.00.

SECTION 3


That the City Manager, City Clerk, City Attorney or their duly authorized officers and agents are hereby authorized and directed to take all steps necessary to carry out the purposes and intent of this resolution.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA THIS 13th DAY OF July 2000.



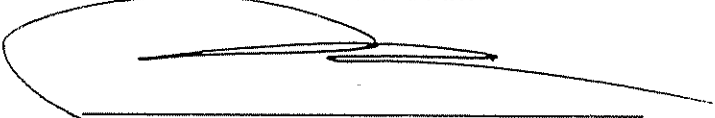
THOMAS J. HESSLER
Mayor

ATTEST:



SANDRA L. KENNY
City Clerk

APPROVED AS TO FORM:



STUART L. FAUVER
City Attorney

PREPARED BY:

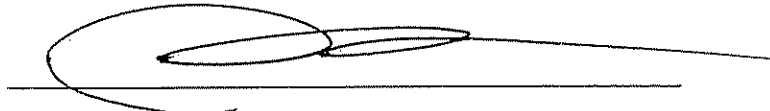


D. MICHAEL CLAWSON
Purchasing Manager

APPROVAL OF THE SIERRA VISTA CITY ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION, and the CITY OF SIERRA VISTA and declare this agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona.

DATED this 13th day of July, 2000.



City Attorney



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

JANET NAPOLITANO
ATTORNEY GENERAL

1275 WEST WASHINGTON, PHOENIX, AZ. 85007-2926

TRN Main: (602) 542-1680

Direct: (602) 542-8855

Fax: (602) 542-3646

MAIN PHONE: (602) 542-5025

FACSIMILE: (602) 542-4085

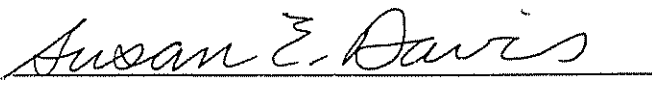
INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. KR00-0973TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED: October 2, 2000

JANET NAPOLITANO
Attorney General


SUSAN E. DAVIS
Assistant Attorney General
Transportation Section

SED:ggt

Enc.

649571